



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 9, 2008

The Honorable Judith Spang, Chairman
House Resources, Recreation, and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1202, relative to monitoring privately owned water distribution systems

Dear Representative Spang:

Thank you for the opportunity to comment on HB 1202, which would require certain privately owned drinking water redistribution systems to meet some basic provisions of the New Hampshire Safe Drinking Water Act. The Department of Environmental Services (DES) supports this bill.

HB 1202 represents an attempt to strike a reasonable balance between the need to protect public health and the costs of water service for redistribution systems. The bill proposes to establish a definition for "privately owned redistribution system" that would include water systems that: (1) obtain water from another public water system, (2) serve at least 25 people, 10 household units or 15 service connections, whichever is fewest, and (3) have exterior pumping or storage facilities which are not part of building plumbing. DES estimates that this expands the number of regulated water systems statewide by about 20 systems in addition to the existing population of about 2,440 public water systems already regulated. This small increase in regulated systems does not place a significant additional burden on DES staff.

For redistribution systems that pump or store water, HB 1202 proposes to require regular monitoring by the water system owner for coliform bacteria, public notification of consumers when violations of bacterial water quality standards occur, design and construction requirements that meet industry standards, and retention of a certified water supply operator. The operator would be required to be certified at the minimum level for small public water systems under the DES water supply operator certification program. Monthly monitoring for coliform bacteria is required with provisions for sampling frequency reductions to quarterly if a history of acceptable water quality is established. These basic requirements were developed by the New Hampshire Water Works Association in conjunction with the DES.

Under the New Hampshire and Federal Safe Drinking Water Acts, as noted above, about 2,440 public water systems are regulated. "Public water systems" are those that serve at least 15 service connections or 25 people for at least 60 days out of the year and sell water to their customers (see RSA 485:1, XV, copy attached). Most public water systems include a water supply source such as a well or, for larger systems, a filtered surface water supply under the direct operation of the system owner. However, there are currently 44 public water systems that are redistribution systems which obtain water wholesale from an "original" water supplier and then sell water to customers, usually through metered services. Redistribution systems that clearly sell water to customers fall under the

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statutory definition of a public water system and, therefore, are regulated by DES. For example, the Town of Derry owns and operates its own water system but receives wholesale from the City of Manchester and sells water to metered customers; therefore, this system is regulated by DES as a public water system.

There is also a population of water supply redistribution systems that fall outside of the existing statutory coverage. These include, for example, some mobile home parks and condominium developments where water is metered only at the entrance to the redistribution system. At these systems there is not a fee for water separate from rent or an all inclusive resident fee. There also are some systems that serve public or private institutions that consist of large campuses with unmetered buildings. DES believes that for most of these systems, where water flows under water pressure derived from the original system through unregulated redistribution systems directly to consumers' taps, the risk of contamination is probably minimal because the systems are effectively an extension of a regulated system that is well monitored and maintained. However, this changes when water is actively pumped and/or stored in large tanks thus effectively creating separate pressure zones from the original water supply system. In these cases, bacterial or other contamination can more readily occur and concerns for system design, maintenance, and operation are greater. These are the situations that HB 1202 seeks to address.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack
Commissioner

cc: Representatives Fargo
Representative Kappler
Representative Gottling